

1 AN ACT concerning conservation.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Conservation Foundation Act is
5 amended by changing Section 15 as follows:

6 (20 ILCS 880/15)

7 Sec. 15. Organization, powers, and duties of Foundation.
8 As soon as practical after the Foundation is created, the
9 Board of Directors shall meet, organize, and designate, by
10 majority vote, a treasurer, secretary, and any additional
11 officers that may be needed to carry out the activities of
12 the Foundation, and shall adopt bylaws of the Foundation.
13 The Department of Natural Resources may adopt other rules
14 deemed necessary to govern Foundation procedures.

15 The Foundation may accept gifts or grants from the
16 federal government, its agencies or officers, or from any
17 person, firm, or corporation, and may expend receipts on
18 activities that it considers suitable to the performance of
19 its duties under this Act and consistent with any requirement
20 of the grant, gift, or bequest. Funds collected by the
21 Foundation shall be considered private funds and shall be
22 held in an appropriate account outside of the State Treasury.
23 Private funds collected by the Foundation are not subject to
24 the Public Funds Investment Act. Foundation procurement is
25 exempt from the Illinois Procurement Code when private funds
26 are used for procurement expenditures. The treasurer of the
27 Foundation shall be custodian of all Foundation funds. The
28 Foundation's accounts and books shall be set up and
29 maintained in a manner approved by the Auditor General; and
30 the Foundation and its officers shall be responsible for the
31 approval of recording of receipts, approval of payments, and

1 the proper filing of required reports. The Foundation may be
2 assisted in carrying out its functions by personnel of the
3 Department of Natural Resources ~~on--matters--falling--within~~
4 ~~their--scope--and--function.~~ The Department shall provide
5 reasonable assistance to the Foundation to achieve the
6 purposes of the Foundation. The Foundation shall cooperate
7 fully with the boards, commissions, agencies, departments,
8 and institutions of the State. The funds held and made
9 available by the Illinois Conservation Foundation shall be
10 subject to financial and compliance audits by the Auditor
11 General in compliance with the Illinois State Auditing Act.

12 The Foundation shall not have any power of eminent
13 domain.

14 (Source: P.A. 88-591, eff. 8-20-94; 89-445, eff. 2-7-96.)

15 Section 10. The Public Funds Investment Act is amended
16 by changing Section 1 as follows:

17 (30 ILCS 235/1) (from Ch. 85, par. 901)

18 Sec. 1. The words "public funds", as used in this Act,
19 mean current operating funds, special funds, interest and
20 sinking funds, and funds of any kind or character belonging
21 to or in the custody of any public agency.

22 The words "public agency", as used in this Act, mean the
23 State of Illinois, the various counties, townships, cities,
24 towns, villages, school districts, educational service
25 regions, special road districts, public water supply
26 districts, fire protection districts, drainage districts,
27 levee districts, sewer districts, housing authorities, the
28 Illinois Bank Examiners' Education Foundation, the Chicago
29 Park District, and all other political corporations or
30 subdivisions of the State of Illinois, now or hereafter
31 created, whether herein specifically mentioned or not. This
32 Act does not apply to the Illinois Prepaid Tuition Trust

1 Fund, private funds collected by the Illinois Conservation
2 Foundation, or pension funds or retirement systems
3 established under the Illinois Pension Code, except as
4 otherwise provided in that Code.

5 (Source: P.A. 90-507, eff. 8-22-97; 91-669, eff. 1-1-00.)

6 Section 15. The Illinois Procurement Code is amended by
7 changing Section 1-10 as follows:

8 (30 ILCS 500/1-10)

9 Sec. 1-10. Application.

10 (a) This Code applies only to procurements for which
11 contractors were first solicited on or after July 1, 1998.
12 This Code shall not be construed to affect or impair any
13 contract, or any provision of a contract, entered into based
14 on a solicitation prior to the implementation date of this
15 Code as described in Article 99, including but not limited to
16 any covenant entered into with respect to any revenue bonds
17 or similar instruments. All procurements for which contracts
18 are solicited between the effective date of Articles 50 and
19 99 and July 1, 1998 shall be substantially in accordance with
20 this Code and its intent.

21 (b) This Code shall apply regardless of the source of
22 the funds with which the contracts are paid, including
23 federal assistance moneys. This Code shall not apply to:

24 (1) contracts between the State and its political
25 subdivisions or other governments, or between State
26 governmental bodies except as specifically provided in
27 this Code.

28 (2) grants, except for the filing requirements of
29 Section 20-80.

30 (3) purchase of care.

31 (4) hiring of an individual as employee and not as
32 an independent contractor, whether pursuant to an

1 employment code or policy or by contract directly with
2 that individual.

3 (5) collective bargaining contracts.

4 (6) purchase of real estate.

5 (7) contracts necessary to prepare for anticipated
6 litigation, enforcement actions, or investigations,
7 provided that the chief legal counsel to the Governor
8 shall give his or her prior approval when the procuring
9 agency is one subject to the jurisdiction of the
10 Governor, and provided that the chief legal counsel of
11 any other procuring entity subject to this Code shall
12 give his or her prior approval when the procuring entity
13 is not one subject to the jurisdiction of the Governor.

14 (8) contracts for services to Northern Illinois
15 University by a person, acting as an independent
16 contractor, who is qualified by education, experience,
17 and technical ability and is selected by negotiation for
18 the purpose of providing non-credit educational service
19 activities or products by means of specialized programs
20 offered by the university.

21 (9) procurement expenditures by the Illinois
22 Conservation Foundation when only private funds are used.

23 (Source: P.A. 90-572, eff. date - See Sec. 99-5; 91-627, eff.
24 8-19-99; 91-904, eff. 7-6-00.)

25 Section 20. The Illinois Insurance Code is amended by
26 changing Section 121-2.10 as follows:

27 (215 ILCS 5/121-2.10)

28 Sec. 121-2.10. Exempt charitable gift annuities. The
29 insurance laws of this State, including this Code, do not
30 apply to any charitable gift annuity, as defined in Section
31 501(m)(5) of the Internal Revenue Code, issued by an
32 organization that is described in Section 170(c) of the

1 Internal Revenue Code, if either (i) an insurer authorized to
2 transact business in this State is directly obligated to the
3 annuitant or (ii) the organization has been in active
4 operation for not less than 20 years before the date the
5 annuity is issued and has an unrestricted fund balance of not
6 less than \$2,000,000 on the date the annuity is issued. The
7 Illinois Conservation Foundation, a not-for-profit
8 corporation incorporated under the State Agency Entity
9 Creation Act, however, is authorized to engage in charitable
10 gift annuities transactions if it has an unrestricted fund
11 balance of not less than \$300,000 on the date the annuity is
12 issued. For purposes of this Section, "Internal Revenue Code"
13 refers to the Internal Revenue Code of 1986, as amended, and
14 corresponding provisions of subsequent federal tax laws.
15 (Source: P.A. 89-124, eff. 7-7-95; 89-485, eff. 6-21-96.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.